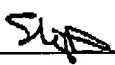




Atty. Dkt. No. SALK2410  
(088802-5651)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Noel and Verdecia  
Title: CRYSTAL STRUCTURE OF  
WW DOMAINS AND  
METHODS AND USE  
THEREOF  
Appl. No.: 09/733,773  
Filing Date: 12/08/2000  
Examiner: L. Clow  
Art Unit: 1631  
Conf. No.: 2948

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b> I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.  Stephen E. Reiter (Printed Name)   (Signature)  December 28, 2005 (Date of Deposit)
---

**ISSUE FEE TRANSMITTAL**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed herewith are

1. Issue Fee Transmittal Form PTOL-85(B) along with authorization to charge Deposit Account No. 50-0872 the amount of \$1,430.00 to cover the payment of the Issue Fee and ten additional copies of the issued utility patent, in duplicate.
2. Request for Reconsideration of Patent Term Adjustment Under 37 C.F.R. §1.705.
3. Notification of Loss of Entitlement to Small Entity Status.

DLMR\_279057.1

In re application of  
Joseph P. Noel et al.  
Application No.: 09/733,773  
Page 2 of 2

Atty. Dkt. No. SALK2410  
(088802-5651)

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.18, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Respectfully submitted,

Date 12/28/05

FOLEY & LARDNER LLP  
Customer Number: 30542  
Telephone: (858) 847-6711  
Facsimile: (858) 792-6773

By SEI

Stephen E. Reiter  
Attorney for Applicant  
Registration No. 31,192

DLMR\_279057.1

DEC. 28. 2005 5:28PM

FOLEY 8587926773

NO. 0917 P. 1

**FOLEY****FOLEY & LARDNER LLP**  
**ATTORNEYS AT LAW**11250 EL CAMINO REAL, SUITE 200  
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FACSIMILE: 858.792.6773  
WWW.FOLEY.COM**FACSIMILE TRANSMISSION****Total # of Pages 9 (including this page)**

TO:	PHONE #:	FAX #:
Mail Stop Issue Fee Commissioner for Patents		(571) 273-2885

<b>From :</b> Stephen E. Reiter <i>SR</i>
<b>Email Address :</b> sreiter@foley.com
<b>Sender's Direct Dial :</b> 858.847.6711
<b>Date :</b> December 28, 2005
<b>Client/Matter No :</b> SALK2410 (088802-5651)
<b>User ID:</b> 1877

**MESSAGE:**

U.S. Patent Application No. 09/733,773

Following are:

- 1) Issue Fee Transmittal (2 pgs.)
- 2) Form PTOL-85(B), in duplicate (2 pgs.)
- 3) Request for Reconsideration of Patent Term Adjustment Under 37 C.F.R. §1.705 (3 pgs.)
- 4) Notification of Loss of Entitlement to Small Entity Status (1 pg.)

If there are any problems with this transmission or if you have not  
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Cover Page 1 of 1

FOLEY &amp; LARDNER LLP


DLMR\_279056.1



Atty. Dkt. No. SALK 2410 (088802-5651)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Joseph P. Noel et al.  
Title: CRYSTAL STRUCTURE OF WW  
DOMAINS AND METHODS  
AND USE THEREOF  
Appl. No.: 09/733,773  
Filing Date: 12/8/2000  
Examiner: Lori A. Clow  
Art Unit: 1631  
Conf. No. 2948

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b> I hereby certify that this correspondence is being facsimile deposited with the United States Patent Office in Alexandria, Virginia, on the date below.  Stephen E. Reiter (Printed Name)   (Signature)  December 28, 2005 (Date of Deposit)
--

**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT****UNDER 37 C.F.R. §1.705**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request reconsideration of the patent term adjustment (PTA) of 356 days as indicated on the Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) mailed on September 29, 2005. The total PTA should be adjusted by an additional 347 days, for a total of 703 days, as determined below.

Upon review of the Patent Term Adjustment History using the Patent Application Information Retrieval (PAIR) database, it is noted that Applicants should be credited an additional 347 days for USPTO delay beyond April 29, 2005 (the end of the three-year pendency period) through the projected patent issue date of April 11, 2006 (six and one half months from

DLMR\_278986.1

In re application of  
Joseph P. Noel  
Application No.: 09/733,773  
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the time of mailing of the Notice of Allowance). The additional 347 days of PTA are derived as follows.

The present application was filed on December 8, 2000. There were delays by the USPTO and Applicant of 508 and 95 days, respectively. Thus, the three year period to end prosecution (taking into account 603 days of combined delays) expires April 29, 2004. In view of the projected patent grant date of April 11, 2006, there are an additional 347 days that should be charged to USPTO delay.

Therefore, the net Patent Term Adjustment should be 703 days (based on 356 days already acknowledged on PAIR, plus 347 days as noted above). Accordingly, it is respectfully requested that the total patent term adjustment of 703 days be issued in favor of the Applicant. This patent is not subject to a terminal disclaimer.

It is further requested that the fee of \$200.00 be waived in light of the above circumstances. However, if the Patent Office determines that the fee is required, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.


In re application of  
Joseph P. Noel  
Application No.: 09/733,773  
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In the event any matters remain to be resolved in view of this communication, the Examiner is encouraged to call the undersigned so that a prompt disposition of this application for patent term adjustment can be achieved.

Respectfully submitted,

Date: December 28, 2005

  
\_\_\_\_\_  
Stephen E. Reiter  
Registration No. 31,192  
Telephone: (858) 847-6711  
Facsimile: (858) 792-6773

FOLEY & LARDNER LLP  
Customer Number: 30542  
P.O. Box 80278  
San Diego, CA 92138-0278



DEC. 28. 2005 5:30PM

FOLEY 8587926773

NO. 0917 P. 9

Atty. Dkt. No. SALK2410  
(088802-5651)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Noel and Verdecia  
Title: CRYSTAL STRUCTURE OF WW  
DOMAINS AND METHODS  
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Appl. No.: 09/733,773  
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---

**NOTIFICATION OF LOSS OF ENTITLEMENT TO  
SMALL ENTITY STATUS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.27(g)(2), Applicant hereby states that small entity status in the above-identified application is no longer appropriate. Fees paid presently and henceforth will be paid based on large entity status.

Respectfully submitted,

Date 12/28/05  
FOLEY & LARDNER LLP  
Customer Number: 30542  
Telephone: (858) 847-6711  
Facsimile: (858) 792-6773

By *Stephen E. Reiter*  
Stephen E. Reiter  
Attorney for Applicant  
Registration No. 31,192

DLMR\_279059.1